

# **Kentucky Environmental Quality Commission**

## **Resolution Regarding**

### **The Martin County Coal Corporation**

### **October 11, 2000 Coal Mine Surface Impoundment Spill**

**Whereas**, on October 11, 2000 a 72-acre coal mine surface impoundment located at a mine site in Inez, Kentucky and operated by the Martin County Coal Corporation, failed after an apparent underground mine collapsed causing an estimated 250 million gallons of liquefied coal waste to drain from the impoundment and enter Wolf Creek and Cold Water Fork, tributaries that feed the Tug Fork of the Big Sandy River.

**Whereas**, on October 16, 2000 Gov. Paul Patton declared a state of emergency in 10 Eastern Kentucky counties (Boyd, Bracken, Carter, Fleming, Greenup, Lawrence, Lewis, Martin, Mason and Robertson) where the massive spill has threatened water supplies and forced shutdowns of public and private facilities.

**Whereas**, this spill is one of the worse in the state's and the southeast region's history.

**Whereas**, the economic, environmental, and property damage caused by the spill will cost millions of dollars and impair natural ecosystems in the Big Sandy watershed for many years to come.

**Whereas**, there are many public concerns and questions about the spill and its short- and long-term impacts to public health, welfare and environmental quality.

#### **Now be it resolved by the Environmental Quality Commission**

1. Governor Patton, Secretary James Bickford, the employees of the Natural Resources and Environmental Protection Cabinet and others who have been involved in the spill response, be commended for their swift response and actions to provide potable water to those impacted by the Oct. 11 Martin County Coal slurry spill.
2. EQC expresses deep concern regarding potential problems at similar surface mine impoundment's and urges the Kentucky Department for Surface Mining Reclamation and Enforcement to move forward with a full review and assessment of the safety of coal waste impoundments.
3. Officials of the Natural Resources and Environmental Protection appear before the Commission at its November 28, 2000 public meeting in Room 111, Capitol Annex, Frankfort, to:
  - a. Explain how the impoundment failed.
  - b. Discuss the states response to the spill and its short- and long-term impacts to potable

water supplies, water quality, and natural resources.

- c. Discuss the status of the cleanup and the efforts of the various state and federal agencies and the Martin County Coal Corporation to contain the spill and remediate the spill area.
- d. Review the extent of the problems that may exist with other coal waste impoundments or embankment structures.
- e. Propose what regulatory, programmatic, technical and other measures will be taken to prevent recurrence of such catastrophic failures.
- f. Discuss options and alternatives to coal slurry impoundments.
- g. Answer any additional questions that the Commission may have regarding the spill.

4. Representatives of the Martin County Coal Corporation appear before the Commission at its November 28, 2000 public meeting to:

- a. Explain how the surface coal impoundment failed.
- b. Discuss the companies response to the spill.
- c. Review the spill cleanup and its status.

5. That this resolution be forwarded to Governor Paul E. Patton; the Presidents and Chief Executive Officers of Martin County Coal Corporation, A.T. Massey Coal Corporation Inc., and Fluor Corporation; and Secretary James E. Bickford for their review and response.

*Adopted this 25<sup>th</sup> day of October, 2000 with all members in favor*

*Aloma Dew, Chair, Owensboro*

*Betsy Bennett, Vice Chair, Louisville*

*Patty Wallace, Louisa*

*Bob Riddle, Midway*

*C.V. Bennett, Harlan*

*Gary Revlett, Shelbyville*

*Serena Williams, Louisville*

